Remarks

There are 67 claims pending following this amendment and no additional claim fee is required. All the claims have been amended except for claims 18-21. The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No.03-2270.

No new matter has been added by way of these amendments. Applicant believes that the application is now in condition for allowance. Accordingly, favorable reconsideration in light of the following remarks is respectfully requested.

Applicant note that the Office Action indicated that the listing of references in the specification was not considered to be a proper information disclosure statement. In response, applicant submits herewith an Information Disclosure Statement along with the appropriate fee.

Claim 1 for the closure device has been amended to include the limitations from original claims 2, 5, and 11. In particular, the slider is defined to have first and second jaws that are located at the first end of the slider with the first and second jaws defining a first slot whose width is less than the width of the first end stop. Claim 2 has been amended to recite that closure device also includes a second end stop and a third jaw which prevents removal of the slider from the second end of the fastening strips. Support for this amendment is found, for example, in Figures 22-27 and on pages 26-28 of the application. As illustrated in these figures, in one embodiment the slider includes first and second sets of retaining jaws 1200 and 1210, i.e., 4 jaws, with each set being located at the first or second end of the slider.

Claim 3-18 have been amended in light of the amendments to claims 1 and 2; the amendments further define the positions and/or locations of the jaws as wells as the configurations and/or positions of the first and second end stops.

Independent claim 22 for the slider has been amended to recite the same limitations as in amended claim 1. The amendments to claims 23-39 parallel those of claims 2-18, respectively.

Independent claim 40 for the container has been amended to recite the same limitations as in amended claim 1. The amendments to claims 41-57 parallel those of claims 2-18, respectively.

Finally, independent method claim 61 has been amended to recite the same structural limitations as in amended claim 1. The amendments to claims 62-67 parallel those of claims 2-7, respectively.

Claims 1, 2, 5-7, 9-19, 21-23, 26-28, 30-41, 44-46, 48-58, 60-62 and 65-67 stand rejected under

35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,161,286 to Herrington Jr. et al. The Office Action stated that Herrington Jr. et al. (figure 7) teaches closure device comprising: a first fastening strip; a second fastening strip; a slider 32 adapted to be slidably disposed on the fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first end stop 31 at the first end, the slider comprising a housing having two jaws defined by opposite facing surfaces defining the recess or slot 32a for engaging the first end stop projection 31a when the slider is moved to the first end of the fastening strips and the first jaw thereby preventing removal of the slider from the first end of the fastening strips in the longitudinal X axis.

In addition, the Office Action stated that the second end of the slider has shoulders that receive the fastening strips therebetween and these are considered to be jaws. Further the Office Actions stated that "[T]he entire end stop has a width greater than the width of the slot 32a and there is a planar surface on the end stop that the jaw defined by the slot 32a engages through the projection 31a."

Applicant submits that the claimed devices and methods of using the closure devices with first and second jaws and the first end stop are different structurally and functionally to that described in Herrrington. As stated in column 7 lines 28-30 of Herrington et al., the "end clamp 31 includes a hook portion 31a which is adapted to extend into a cooperating recess 32a on the bottom of the wings of slider 32." As is apparent and noted in the Office Action, the "hook portion 31a" has a width which must be smaller than the width defined by the "cooperating recess 32a" as illustrated in Figure 7 of Herrington. In other words, the width of the "end clamp 31" must be larger than the width of the "hock portion 31a."

This configuration is directly opposite to the claimed closure device wherein said first jaw and said second jaw define a first slot having a first width that is smaller than the width of the first end stop. Because the slot formed by the first and second jaws is smaller than that of the first end stop, a unilateral stop is created where it is significantly more difficult to move the slider in the one direction where the "jaws" are forced to close to tighter and tighter, and hence preventing the slider from being removed. The "hook portion 31a" and the "cooperating recess 32a" structures of the Herrington device do not operate this way.

In the opposing direction the first and second jaws of the present invention disengage and allow the slider to be moved more freely and hence allows the user to open or close the fastening strips as the case may

be. This feature, among other things, is not taught or suggested by Herrington. Rather, the "hook portion 31a" is analogous to a stationary post which abruptly stops the slider when the wide "cooperating recess" comes into contact with the post.

Claims 3, 4, 8, 24, 25, 29, 42, 43, 47, 63 and 64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,161,286 to Herrington Jr. et al. in view of U.S. Patent 5,301,394 to Richardson et al. Herrington was said to teach the art as stated above. The Office Action further states that the difference is that the jaws defined by the opposite facing surfaces defining the recess or slot 32a are not located above the fastening strips. However, the Office Action stated that Richardson et al. (figures 1-4) teaches a slider structure including the jaws 21b, 22b engaging the edges of the slot at the end of the fastening strips at the top of the fastening strips so as to have better stability. The Office Action concludes that it would have been obvious to modify the fastener of Herrington so that the jaws defined by the opposite facing surfaces defining the recess or slot 32a are located above the fastening strips in view of Richardson et al. (figures 1-4) teaching slider structure including the jaws 21b, 22b engaging the edges of the slot at the end of the fastening strips at the top of the fastening strips so as to have better stability.

Applicant submits that the deficiencies of Herrington as noted above are not cured by the alleged teachings of Richardson. Moreover, it should be noted that the slider structure of Richardson has "jaws" 21b, 22b (figure 2) that actually engage the flanges 18,19 that extend "along the length thereof parallel to the male and female elements" of the fastening strips. (Col. 1 line 68 to col. 2 line 1.) The flanges 18, 19 are not above the fastening strips as asserted in the Office Action, rather since they are extensions of the fastening strips, the flanges appear to be at the same level as that of the fastening strips.

Claims 20 and 59 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,161,286 to Herrington Jr. et al. in view of U.S. Patent 5,871,281 to Stolmeier et al. Herrington was said to teach the art as stated above. The Office Action further states that the difference is that the interengaging features are not of the arrowhead type. However, the Office Action stated that Stolmeier et al. (Figure 4) teaches that it is well known to utilize the arrowhead type of interengaging features 18H so as to better secure the closure. The Office Action concluded that it would have been obvious to modify the fastener of Herrington so that the interengaging features are of the arrowhead type in view of Stolmeier et al.

Applicant submit that even if Stolmeier et al. teaches the art as suggested in the Office Action, it does not cure the deficiencies of Herrington for the reasons stated above.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to called the undersigned attorney.

Respectfully submitted,

By: _____

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

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(Attorney Signature)

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Signature Date: 3/3/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor(s): Alan F.Savicki

SC/Serial No.: 09/979, 525

Confirm. No.: 6341 Art Unit: 3677

Filed: November 21, 2001

For: CLOSURE DEVICE Examiner: J.R.Brittain

AMENDMENTS TO CLAIMS

MADE IN RESPONSE TO OFFICE ACTION DATED DECEMBER 2, 2002

Amendments to existing claims:

1. (Amended) A closure device comprising:

a first fastening strip;

a second fastening strip;

a slider adapted to be slidably disposed on said fastening strips and facilitating the occlusion of said fastening strips when moved towards a first end thereof and facilitating the deocclusion of said fastening strips when moved towards a second end thereof, said fastening strips and said slider having a longitudinal X axis and a transverse Y axis, said transverse Y axis being perpendicular to said longitudinal X axis, said fastening strips and said slider having a vertical Z axis, said vertical Z axis being perpendicular to said longitudinal X axis, said vertical Z axis being perpendicular to said transverse Y axis, a first end stop at said first end, said slider comprising a housing having a first jaw and a second jaw for engaging said first end stop when said slider is moved to said first end of said fastening strips and said first jaw and second jaw thereby preventing removal of said slider from said first end of said fastening strips in said longitudinal X axis, wherein said first jaw and said second jaw are located at the first end of the slider and wherein said first jaw and said second jaw define a first slot, said first slot has a first width, said first end stop has a second width, said second width is greater than said first width.

2. (Amended) The invention as in claim 1 ~~wherein said first~~ having a second end stop at said second end and wherein said housing having a third jaw ~~is located at a first end of the slider~~ for engaging said second end stop when said slide is moved to said second end of said fastening strips and said third jaw thereby preventing removal of said slider from said second end of said fastening strips in said longitudinal X axis.

3. (Amended) The invention as in claim 1 wherein said first jaw and said second jaw are ~~is~~ positioned above the fastening strips.

4. (Amended) The invention as in claim 2 ~~3~~ wherein said ~~first~~ third jaw is located at the ~~first~~ second end of the slider ~~and said first jaw is positioned above the fastening strips~~.

5. (Amended) The invention as in claim 2 wherein ~~a second jaw is located at the first end of the slider~~ said third jaw is positioned above the fastening strips.

6. (Amended) The invention as in claim 2 ~~wherein a third jaw is located at a second end of the slider~~ wherein said third jaw is located at the second end of the slider and said third jaw is positioned above the fastening strips.

7. (Amended) The invention as in claim 2 wherein a fourth jaw ~~5 wherein a~~ and said third jaw ~~and a fourth jaw~~ are located at ~~a~~ said second end of the slider.

8. (Amended) The invention as in claim 1 ~~4~~ wherein the first end stop extends above the fastening strips.

9. (Amended) ~~the~~ The invention as in claim 1 wherein the first end stop has a first surface which extends outwardly and a second surface which extends outwardly.

10. (Amended) The invention as in claim ~~5~~ 2 wherein the ~~first~~ second end stop has a first surface which extends outwardly.

11. (Amended) The invention as in claim 10 wherein said ~~first~~ third jaw and said ~~second~~ fourth jaw define a ~~first~~ second slot, said ~~first~~ second slot has a ~~first~~ third width, said ~~first~~ second end stop has a ~~second~~ fourth width, said ~~second~~ fourth width is greater than said ~~first~~ third width.

12. (Amended) The invention as in claim 9 ~~11~~ wherein said first surface is a first protrusion, said second surface is a second protrusion and said second width includes said first and second

protrusions.

13. (Amended) The invention as in claim 9 ~~11~~ wherein said first surface is a first planar surface, said second surface is a second planar surface and said second width includes said first and second planar surfaces.

14. (Amended) The invention as in claim 13 wherein said first planar surface includes a first protrusion, said second planar surface includes a second protrusion, said second width includes said first and second protrusions.

15. (Amended) The invention as in claim 9 wherein said first surface is a first protrusion, said first jaw engages said first protrusion, said second surface is a second protrusion, and said second jaw engages said second protrusion.

16. (Amended) The invention as in claim 9 wherein said first surface is a first planar surface, said first jaw engages said first planar surface, said second surface is a second planar surface, and said second jaw engages said second planar surface.

17. (Amended) The invention as in claim 16 wherein said first surface includes a first protrusion, said first jaw engages said protrusion, said second surface includes a second protrusion, and said second jaw engages said second protrusion.

18. (Amended) The invention as in claim 1, wherein said first jaw is inwardly biased for engaging said first end stop and wherein said second jaw is inwardly biased for engaging said first end stop.

22. (Amended) A slider adapted to be slidably disposed on a first and second fastening strip wherein a first end stop is provided at a first end of said fastening strips, said slider facilitating the occlusion of said fastening strips when moved towards said first end thereof and facilitating the deocclusion of said fastening strips when moved towards said second end thereof, said slider comprising:

a longitudinal X axis and a transverse Y axis, said transverse Y axis being perpendicular to said

longitudinal X axis, said slider having a vertical Z axis, said vertical Z axis being perpendicular to said longitudinal X axis, said vertical Z axis being perpendicular to said transverse Y axis;

a housing having a first jaw and a second jaw for engaging said first end stop when said slider is moved to said first end of said fastening strips and said first jaw and said second jaw thereby preventing removal of said slider from said first end of said fastening strips in said longitudinal X axis wherein said first jaw and said second jaw are located at the first end of the slider and wherein said first jaw and said second jaw define a first slot, said first slot has a first width, said first end stop has a second width, said second width is greater than said first width.

23. (Amended) The invention as in claim 22 ~~wherein said first~~ having a second end stop at said second end and wherein said housing having a third jaw ~~is located at a first end of the slider~~ for engaging said second end stop when said slide is moved to said second end of said fastening strips and said third jaw thereby preventing removal of said slider from said second end of said fastening strips in said longitudinal X axis.

24. (Amended) The invention as in claim 22 wherein said first jaw and said second jaw are ~~is~~ positioned above the fastening strips.

25. (Amended) The invention as in claim ~~24~~ 23 wherein said ~~first~~ third jaw is located at the ~~first~~ second end of the slider ~~and said first jaw is positioned above the fastening strips~~.

26. (Amended) The invention as in claim 23 wherein ~~a second jaw is located at the first end of the slider~~ said third jaw is positioned above the fastening strips.

27. (Amended) The invention as in claim 23 ~~wherein a third jaw is located at a second end of the slider~~ wherein said third jaw is located at the second end of the slider and said third jaw is positioned above the fastening strips.

28. (Amended) The invention as in claim 23 wherein a fourth jaw ~~26 wherein a~~ and said third jaw ~~and a fourth jaw~~ are located at a second end of the slider.

29. (Amended) The invention as in claim 22 ~~25~~ wherein the first end stop extends above the fastening strips.

30. (Amended) ~~the~~ The invention as in claim 22 wherein the first end stop has a first surface which extends outwardly and a second surface which extends outwardly.

31. (Amended) The invention as in claim 23 ~~26~~ wherein the ~~first~~ second end stop has a first surface which extends outwardly.

32. (Amended) The invention as in claim 31 wherein said ~~first~~ third jaw and said ~~second~~ fourth jaw define a ~~first~~ second slot, said ~~first~~ second slot has a ~~first~~ third width, said ~~first~~ second end stop has a ~~second~~ fourth width, said ~~second~~ fourth width is greater than said ~~first~~ third width.

33. (Amended) The invention as in claim ~~32~~ 30 wherein said first surface is a first protrusion, said second surface is a second protrusion, said second width includes said first and second protrusions.

34. (Amended) The invention as in claim ~~32~~ 30 wherein said first surface is a first planar surface, said second surface is a second planar surface and said second width includes said first and second planar surfaces.

35. (Amended) The invention as in claim 34 wherein said first planar surface includes a first protrusion, said second planar surface includes a second protrusion, said second width includes said first and second protrusions

36. (Amended) The invention as in claim 30 wherein said first surface is a first protrusion, said second surface is a second protrusion, and said second jaw engages said second protrusion.

37. (Amended) The invention as in claim 30 wherein said first surface is a first planar surface, said first jaw engages said first planar surface, said second surface is a second planar surface, and said second jaw engages said second planar surface.

38. (Amended) The invention as in claim 37 wherein said first surface includes a first protrusion, said first jaw engages said protrusion, said second surface includes a second protrusion, and said second jaw engages said second protrusion.

39. (Amended) The invention as in claim 22, wherein said first jaw is inwardly biased for engaging said first end stop and wherein said second jaw is inwardly biased for engaging said first end stop.

40. (Amended) A container comprising:

first and second side walls, said first and second side walls including mating first and second fastening strips respectively, said first and second fastening strips comprising a closure device arranged to be interlocked over a predetermined length,

a slider adapted to be slidably disposed on said fastening strips and facilitating the occlusion of said fastening strips when moved towards a first end thereof and facilitating the deocclusion of said fastening strips when moved towards a second end thereof, said fastening strips and said slider having a longitudinal X axis and a transverse Y axis, said transverse Y axis being perpendicular to said longitudinal X axis, said fastening strips and said slider having a vertical Z axis, said vertical Z axis being perpendicular to said longitudinal X axis, said vertical Z axis being perpendicular to said transverse Y axis, a first end stop at said first end, said slider comprising a housing having a first jaw and a second jaw for engaging said first end stop when said slider is moved to said first end of said fastening strips and said first jaw and second jaw thereby preventing removal of said slider from said first end of said fastening strips in said longitudinal X axis wherein said first jaw and said second jaw are located at the first end of the slider and wherein said first jaw and said second jaw define a first slot, said first slot has a first width, said first end stop has a second width, said second width is greater than said first width.

41. (Amended) The invention as in claim 40 ~~wherein said first~~ having a second end stop at said second end and wherein said housing having a third jaw ~~is located at a first end of the slider~~ for engaging said second end stop when said slide is moved to said second end of said fastening strips and said third jaw thereby preventing removal of said slider from said second end of said fastening strips in said longitudinal X axis.

42. (Amended) The invention as in claim 40 wherein said first jaw and said second jaw are ~~is~~ positioned above the fastening strips.

43. (Amended) The invention as in claim 41 ~~42~~ wherein said ~~first~~ third jaw is located at the ~~first~~ second end of the slider ~~and said first jaw is positioned above the fastening strips~~.

44. (Amended) The invention as in claim 41 wherein ~~a second jaw is located at the first end of the slider~~ said third jaw is positioned above the fastening strips.

45. (Amended) The invention as in claim 41 ~~wherein a third jaw is located at a second end of the slider~~ wherein said third jaw is located at the second end of the slider and said third jaw is positioned above the fastening strips.

46. (Amended) The invention as in claim 44 wherein a fourth jaw ~~41 wherein a~~ and said third jaw ~~and a fourth jaw~~ are located at ~~a~~ said second end of the slider.

47. (Amended) The invention as in claim 40 ~~43~~ wherein the first end stop extends above the fastening strips.

48. (Amended) ~~the~~ The invention as in claim 40 wherein the first end stop has a first surface which extends outwardly and a second surface which extends outwardly.

49. (Amended) The invention as in claim ~~44~~ 41 wherein the ~~first~~ second end stop has a first surface which extends outwardly.

50. (Amended) The invention as in claim 49 wherein said ~~first~~ third jaw and said ~~second~~ fourth jaw define a ~~first~~ second slot, said ~~first~~ second slot has a ~~first~~ third width, said ~~first~~ second end stop has a ~~second~~ fourth width, said ~~second~~ fourth width is greater than said ~~first~~ third width.

51. (Amended) The invention as in claim 48 ~~50~~ wherein said first surface is a first protrusion, said second surface is a second protrusion and said second width includes said first and second protrusions.

52. (Amended) The invention as in claim 48 ~~50~~ wherein said first surface is a first planar surface, said second surface is a second planar surface and said second width includes said first and second planar surfaces.

53. (Amended) The invention as in claim 52 wherein said first planar surface includes a first protrusion, said second planar surface includes a second protrusion, said second width includes said first and second protrusions.

54. (Amended) The invention as in claim 48 wherein said first surface is a first protrusion, said first jaw engages said first protrusion, said second surface is a second protrusion, and said second jaw engages said second protrusion.

55. (Amended) The invention as in claim 48 wherein said first surface is a first planar surface, said first jaw engages said first planar surface, said second surface is a second planar surface, and said second jaw engages said second planar surface.

56. (Amended) The invention as in claim 55 wherein said first surface includes a first protrusion, said first jaw engages said protrusion, said second surface includes a second protrusion, and said second jaw engages said second protrusion.

57. (Amended) The invention as in claim 40, wherein said first jaw is inwardly biased for engaging said first end stop and wherein said second jaw is inwardly biased for engaging said first end stop.

61. (Amended) A method of using a closure device comprising the steps of:

providing a first fastening strip;

providing a second fastening strip;

providing a slider adapted to be slidably disposed on said fastening strips and facilitating the occlusion of said fastening strips when moved towards a first end thereof and facilitating the deocclusion of said fastening strips when moved towards a second end thereof, said fastening strips and said slider

having a longitudinal X axis and a transverse Y axis, said transverse Y axis being perpendicular to said longitudinal X axis, said fastening strips and said slider having a vertical Z axis, said vertical Z axis being perpendicular to said longitudinal X axis, said vertical Z axis being perpendicular to said transverse Y axis, a first end stop at said first end, said slider comprising a housing having a first jaw and a second jaw for engaging said first end stop when said slider is moved to said first end of said fastening strips and said first jaw and second jaw thereby preventing removal of said slider from said first end of said fastening strips in said longitudinal X axis, wherein said first jaw and said second jaw are located at the first end of the slider and wherein said first jaw and said second jaw define a first slot, said first slot has a first width, said first end stop has a second width, said second width is greater than said first width;

moving said slider and engaging the first end stop.

62. (Amended) The invention as in claim 61 ~~wherein said first~~ having a second end stop at said second end and wherein said housing having a third jaw ~~is located at a first end of the slider~~ for engaging said second end stop when said slide is moved to said second end of said fastening strips and said third jaw thereby preventing removal of said slider from said second end of said fastening strips in said longitudinal X axis.

63. (Amended) The invention as in claim 61 wherein said first jaw and said second jaw are ~~is~~ positioned above the fastening strips.

64. (Amended) The invention as in claim 62 ~~63~~ wherein said ~~first~~ third jaw is located at the ~~first~~ second end of the slider ~~and said first jaw is positioned above the fastening strips~~.

65. (Amended) The invention as in claim 62 wherein ~~a second jaw is located at the first end of the slider~~ said third jaw is positioned above the fastening strips.

66. (Amended) The invention as in claim 62 ~~wherein a third jaw is located at a second end of the slider~~ wherein said third jaw is located at the second end of the slider and said third jaw is positioned above the fastening strips.

67. (Amended) The invention as in claim 62 wherein a fourth jaw ~~65 wherein a~~ and said third jaw ~~and a fourth jaw~~ are located at ~~a~~ said second end of the slider.